

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. On August 11, 2008, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that she
13 understands that by withdrawing said Notice of Defense she will
14 thereby waive her right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she will
17 waive other rights afforded to her in connection with the
18 hearing such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, hereby admits that the factual allegations of the
23 Accusation filed in this proceeding are true and correct and the
24 Real Estate Commissioner shall not be required to provide
25 further evidence of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

1 his Decision in this matter, thereby imposing the penalty and
2 sanctions on Respondent's real estate license and license rights
3 as set forth in the below "Order". In the event that the
4 Commissioner in his discretion does not adopt the Stipulation
5 and Agreement, it shall be void and of no effect, and Respondent
6 shall retain the right to a hearing and proceeding on the
7 Accusation under all the provisions of the APA and shall not be
8 bound by any admission or waiver made herein.

9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation and
11 Agreement shall not constitute an estoppel, merger or bar to any
12 further administrative or civil proceedings by the Department of
13 Real Estate with respect to any matters which were not
14 specifically alleged to be causes for accusation in this
15 proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions
18 and waivers and solely for the purpose of settlement of the
19 pending Accusation without a hearing, it is stipulated and
20 agreed that the following determination of issues shall be made:

21 The conduct of Respondent, as set forth in the
22 Accusation constitutes grounds for suspension or revocation of
23 Respondent's real estate salesperson license under the
24 provisions of Sections 490 and 10177(b) of the Business and
25 Professions Code.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent YVETTE BARBARA LOPEZ, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.

1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions
4 of a restricted license until two (2) years have elapsed from
5 the date of issuance of the restricted license to Respondent.

6 4. Respondent shall submit with any application for
7 license under an employing broker, or any application for
8 transfer to a new employing broker, a statement signed by the
9 prospective employing real estate broker on a form approved by
10 the Department of Real Estate which shall certify:

11 (a) That the employing broker has read the
12 Decision of the Commissioner which granted the
13 right to a restricted license; and

14 (b) That the employing broker will exercise close
15 supervision over the performance by the
16 restricted licensee relating to activities for
17 which a real estate license is required.

18 5. Respondent shall, within nine months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
27 presents such evidence. The Commissioner shall afford

Respondent the opportunity for a hearing pursuant to the
Administrative Procedure Act to present such evidence.

DATED:

11-5-08


JULIE L. TO, Counsel for Complainant

* * *

I have read the Stipulation and Agreement, have
discussed it with my counsel, and its terms are understood by me
and are agreeable and acceptable to me. I understand that I am
waiving rights given to me by the California Administrative
Procedure Act (including but not limited to Sections 11506,
11508, 11509 and 11513 of the Government Code), and I willingly,
intelligently and voluntarily waive those rights, including the
right of requiring the Commissioner to prove the allegations in
the Accusation at a hearing at which I would have the right to
cross-examine witnesses against me and to present evidence in
defense and mitigation of the charges.

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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

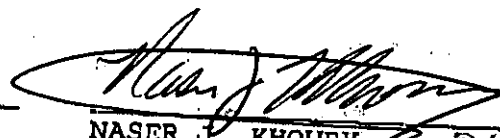
Further, if Respondent is represented by counsel, Respondent's counsel can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax. The Commissioner has asked that counsel's signature be under penalty of perjury and that he will concurrently or within 24 hours of obtaining Respondent's signature to the agreement deposit in the mail the original Stipulation containing the original signatures of both the Respondent and Respondent's counsel.

DATED: 11-5-08


YVETTE BARBARA LOPEZ, Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 11/5/08

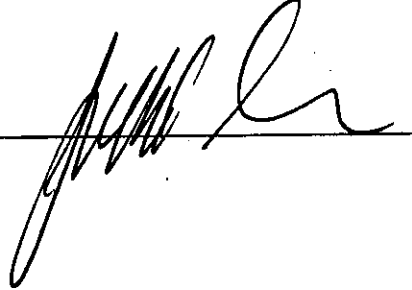

NASER J. KHOURY,
Attorney for Respondent

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3 The foregoing Stipulation and Agreement is hereby
4 adopted as my Decision in this matter and shall become effective
5 at 12 o'clock noon on December 24, 2008.

6 IT IS SO ORDERED

7
8 JEFF DAVI
9 Real Estate Commissioner

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1 JULIE L. TO, Counsel (SBN 219482)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

FILED

JUL 25 2008

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6916

DEPARTMENT OF REAL ESTATE

BY: 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H- 35159 LA
12 YVETTE BARBARA LOPEZ,) A C C U S A T I O N
13 Respondent.)
14 _____)

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16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against YVETTE BARBARA LOPEZ a.k.a. Lyzette Castellon,
19 ("Respondent"), alleges as follows:

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law, Part 1 of Division 4 of the
27

1 California Business and Professions Code ("Code"), as a real
2 estate salesperson.

3 3.

4 On or about September 25, 2007, in the Superior Court
5 of California, County of Los Angeles, in Case No. 7GN04385,
6 Respondent was convicted of violating Vehicle Code Section 20.
7 (false statement to DMV/CHP), a misdemeanor. Respondent was
8 placed on 12 months probation and ordered to pay fines. This
9 conviction involves moral turpitude and bears a substantial
10 relationship under Section 2910, Title 10, Chapter 6, California
11 Code of Regulations to the qualifications, functions or duties
12 of a real estate licensee.

13 4.

14 The crime of which Respondent was convicted, as
15 described in Paragraph 3 above, constitutes cause under Sections
16 490 and 10177(b) of the Code for the suspension or revocation of
17 the license and license rights of Respondent under the Real
18 Estate Law.

19 These proceedings are brought under the provisions of
20 Section 10100, Division 4 of the Business and Professions Code
21 of the State of California and Sections 11500 through 11528 of
22 the California Government Code.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, YVETTE BARBARA LOPEZ, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 21 day of July, 2008.

11 
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13 Robin Trujillo
14 Deputy Real Estate Commissioner
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26 cc: YVETTE BARBARA LOPEZ
27 J N J Properties, Inc.
Robin Trujillo
Sacto.